

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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A.G. and L.G., on behalf of N.G.,

Plaintiffs,

-against-

Richard F. Daines, as Commissioner of the New York
State Department of Health, and Thomas R. Frieden, As
Commissioner of the New York City Department of Health
& Mental Hygiene,

Defendants.
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**DECLARATION OF CHEVON
ANDRE BROOKS**

08-Civ.-01576 (LAK)(HBP)

Chevon Andre Brooks, under penalty of perjury, declares pursuant to 28 U.S.C.

§ 1746 that the following statements are true and correct:

1. I am an attorney in the Office of the Corporation Counsel of New York City, duly admitted to practice in the Southern District of New York. I submit this declaration in support of defendant's motion for summary judgment and to put before the Court relevant documents from the administrative record.

2. On June 27, 2008, I received a "true and accurate copy" of the complete record from the administrative proceeding from the New York State Department of Health.

3. As set forth below, annexed hereto are the exhibits submitted by the plaintiffs at the administrative hearing on July 16, 2007, July 30, 2007, August 6, 2007, September 24, 2007, October 2, 2007, and October 25, 2007 before Administrative Law Judge Kimberly A. O'Brien, numbered as they were presented at that hearing:

P-A	Mediation Request/Demand for Due Process	04 Pages
P-B	New York City Early Intervention Program Request for Mediation and Parental Consent to Release Information	04 Pages

P-C	NYC Early Intervention (IFSP) and Parental Consent to Release Information	15 Pages
P-D	Neurodevelopmental Evaluation By: Christine A. Williams, M.S. Cecelia McCarton, MD	09 Pages
P-E	Neurological Evaluation By: Arnold P. Gold, MD	04 Pages
P-F	Letter from Parent to Ms. Arias and fax confirmation	02 Pages
P-G	New York University Child Study Center Initial Diagnostic Evaluation By: Christopher Lucas, M.D., M.P.H.	06 Pages
P-H	Neurodevelopmental Evaluation By: Christine A. Williams, M.S. Cecelia McCarton, MD	10 Pages
P-I	Summary of Early Intervention Services	04 Pages
P-J	NYC Early Intervention Program Summary of Multidisciplinary Evaluation/Screening	39 Pages
P-K	Daily Schedule	02 Pages
P-L	Noah's Weekly Schedule	01 Page
P-M	Noah's Therapy Expenditures	03 Pages
P-N	Communications between Parents and Theracare	31 Pages
P-O	McCarton Center Invoices	11 Pages
P-P	Speech and Language Progress Report By Julie E. Sandor- M.A., C.C.C.	03 Pages
P-Q	Academic Report 2007 By Tamar Frankel- BCBA	02 Pages
P- R	Choices Program	05 Pages

P- S	Receptive ID Program	05 Pages
P-T	Receptive/Expressive Language Program	07 Pages
P-U	Social/Emotional Program	08 Pages
P- V	Discrimination Program	05 Pages
P- W	Sitting Program	09 Pages
P- X	Manding Program	10 Pages
P- Y	Generalized Motor Imitation Program	13 Pages
P-Z	Verbal Acknowledgement Program	11 Pages
P-AA	Occupational Therapy Progress Report By Panagiotis Rekouits, M.A., OTR/L	08 Pages
P- BB	Cognitive/Language Program	07 Pages
P-CC	Language Program	06 Pages
P- DD	Action ID Program	08 Pages
P-EE	Block Design Program	10 Pages
P-FF	Appropriate Play Program	14 Pages
P-GG	Personal Info Program	05 Pages
P-HH	Language Program	05 Pages
P-II	Object Imitation Program	11 Pages
P-JJ	Expressive Language Program	06 Pages
P- KK	Communications	81 Pages
P-LL	Language Program	09 Pages
P-MM	Direction Following Program	14 Pages
P- NN	Generalized Matching Program	13 Pages
P-OO	Yearly Expenditure Current Program	03 Pages

P-PP	Incidental Eye Contact Program	08 Pages
P- QQ	Email Correspondence between parent and Team	41 Pages
P- RR	Email Correspondence between parent and Team	81 Pages
P- SS	Oral Motor Imitation Program	03 Pages
P-TT	Shapes Program	03 Pages
P-UU	Colors Program	04 Pages
P-VV	Visual Attending Program	05 Pages
P-WW	Tacting Program	10 Pages
P- XX	Pointing Program	09 Pages
P-YY	Skills Tracking System -ABLLS	03 Pages
P-ZZ	People ID Program	07 Pages
P-AAA	Email Correspondence between parents and Team	31 Pages
P-BBB	Noah's Weekly Schedule	01 Page
P- CCC	Noah's Calendar	02 Pages
P-DDD	Social Stories- Art Work	06 Pages
P-EEE	Stacy L. Asay- Resume	03 Pages
P-FFF	Lindsay J. Cherry- Resume	01 Page
P-GGG	Jennifer E. Coyle- Resume	02 Pages
P-HHH	Tara Edmonson- Resume	02 Pages
P-III	Tamar Frankel- Resume	02 Pages
P-JJJ	Panagiotis A. Rekoutis- Resume	06 Pages
P-KKK	Julie E. Sandor- Resume	01 Page
P-LLL	Erica J. Wyner- Resume	02 Pages

P-MMM Marisa R. Leyden- Resume 02 Pages

P-NNN Proof of Payment
and Breakdown 192 Pages

4. All of these documents are admissible evidence because they are either maintained in the ordinary course of defendant's business, or publicly available documents, or excerpts from the deposition testimony of the parties and witnesses taken in this action. They are also admissible because the reviewing Court of an Individuals with Disabilities Education Act appeal "shall receive the records of the administrative proceedings," when making a determination as to the accuracy of the ALJ's decision. *See 20 U.S.C. § 1415(i)(2)(C)*.

Dated: July 30, 2008
New York, New York

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By: _____/s
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